

By: Price

H.B. No. 4408

A BILL TO BE ENTITLED

1 AN ACT
2 relating to provision of an opioid antagonist to a person who is
3 filling a prescription for an opioid medication.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 483.103, Health and Safety Code, is
6 amended by adding Subsection (b-1) and amending Subsection (c) to
7 read as follows:

8 (b-1) A pharmacist may dispense an opioid antagonist
9 without a prescription to a person to whom the pharmacist is
10 dispensing an opioid medication under a prescription if:

11 (1) the opioid is prescribed in conjunction with
12 benzodiazepine medication;

13 (2) the prescription of the dispensed medication
14 directs the patient to take 90 morphine milligram equivalents or
15 more daily;

16 (3) in the pharmacist's professional opinion, the
17 patient is at risk of accidental overdose or potential abuse or
18 overuse; or

19 (4) the physician who issued the prescription has
20 communicated to the pharmacist that in the physician's professional
21 opinion, the patient is at risk of accidental overdose or potential
22 abuse or overuse.

23 (c) A pharmacist who, acting in good faith and with
24 reasonable care, dispenses or does not dispense an opioid

1 antagonist under a valid prescription or on the pharmacist's own
2 initiative under Subsection (b-1) is not subject to any criminal or
3 civil liability or any professional disciplinary action for:

4 (1) dispensing or failing to dispense the opioid
5 antagonist; or

6 (2) if the pharmacist chooses to dispense an opioid
7 antagonist, any outcome resulting from the eventual administration
8 of the opioid antagonist.

9 SECTION 2. The change in law made by this Act applies only
10 to a person to whom the pharmacist dispenses an opioid medication
11 under a prescription on or after the effective date of this Act.

12 SECTION 3. This Act takes effect September 1, 2021.